

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Warren Jones
Wendy Jones
Debtor(s)

Bankruptcy Case No.: 18-23095-CMB
Issued Per Nov. 5, 2018 Proceeding
Chapter: 13
Docket No.: 39 – 23
Concil. Conf.: February 7, 2019 at 10:00 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated August 27, 2018 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Feb. 7, 2019 at 10:00 AM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: PA Department of Revenue at Claim No. 1–2; I.R.S. at Claim No. 7; Bayview Loan Servicing at Claim No. 10 .
- ☐ H. Additional Terms:

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: November 8, 2018

cc: All Parties in Interest to be served by Clerk in seven (7) days

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 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Warren Jones
 Wendy Jones
 Debtors

Case No. 18-23095-CMB
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: jhel
 Form ID: 149

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 Total Noticed: 36

Date Rcvd: Nov 08, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 10, 2018.

db/jdb
 cr +Warren Jones, Wendy Jones, 584 Firethorne Drive, Monroeville, PA 15146-1617
 +Dep't of Revenue Office of Attorney General, Anthony T. Kovalchick, 1251 Waterfront Place,
 Mezzanine Level, Pittsburgh, PA 15222-4227
 cr +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave.,
 Pittsburgh, PA 15233-1828
 14892020 +ABN Amro Mortgage Group, P.O. Box 9438, Gaithersburg, MD 20898-9438
 14892021 +American Infomsource as agent for, Verizon, P.O. Box 51178, Los Angeles, CA 90051-5478
 14892022 +Bayview Loan Servicing, LLC, 25 Ponce de Leon Boulevard, Miami, FL 33135
 14892024 +Capital One, c/o Becket & Lee, 16 General Warren Blvd., Malvern, PA 19355-1245
 14920387 Capital One, N.A., c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
 14892026 +Designed Receivable Solutions, One Centerpointe Drive, Suite 45, La Palma, CA 90623-1052
 14892027 Duquesne Light Company, c/o Bernstein-Burkley, P.C., Suite 2200, Gulf Tower,
 Pittsburgh, PA 15219-1900
 14892028 ECMC, P.O. Box 16408, Saint Paul, MN 55116-0408
 14892029 GM Financial, P.O. Box 181145, Wheeler, TX 79096-1145
 14892030 +HP Sears, P.O. Box 2707, Bakersfield, CA 93303-2707
 14892034 +Keybridge Medical Revenue Care, P.O. Box 1568, Lima, OH 45802-1568
 14892035 National Credit Adjusters, LLC., P.O. Box 3023, South Hutchinson, KS 67505
 14892037 +Peoples Natural Gas Company, LLC, Attn: Dawn Lindner, 375 North Shore Drive, Suite 600,
 Pittsburgh, PA 15212-5866
 14892038 +Peoples Natural Gas Company, LLC, c/o S. James Wallace, Esquire, 845 N. Lincoln Avenue,
 Pittsburgh, PA 15233-1828
 14892039 +Phelan Hallinan, Diamond & Jones, LLP, 1617 JFK Blvd., Suite 1400, One Penn Center Plaza,
 Philadelphia, PA 19103-1823
 14892041 +Santander Consumer USA, P.O. Box 961245, Fort Worth, TX 76161-0244
 14892043 +TD Bank, USA/Target Credit Card, P.O. Box 673, Minneapolis, MN 55440-0673
 14892045 Weinstein & Riley, 2001 Western Avenue, Suite 400, Oklahoma City, OK 73118
 14892047 Wffinancial, MAC 4031-080, Phoenix, AZ 85038

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr +E-mail/Text: kburkley@bernsteinlaw.com Nov 09 2018 02:32:03 Duquesne Light Company,
 c/o Bernstein-Burkley, P.C., 707 Grant Street, Suite 2200, Gulf Tower,
 Pittsburgh, PA 15219-1945
 14892023 +E-mail/Text: bkmailbayview@bayviewloanservicing.com Nov 09 2018 02:31:45
 Bayview Loan Servicing, LLC, 4425 Ponce de Leon Boulevard, 5th floor,
 Coral Gables, FL 33146-1837
 14892025 E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Nov 09 2018 02:30:51 Comenity Bank/Justice,
 P.O. Box 187789, Columbus, OH 43218
 14892031 E-mail/Text: cio.bncmail@irs.gov Nov 09 2018 02:30:41 Internal Revenue Service,
 Centralized Insolvency Operations, P.O. Box 7346, Philadelphia, PA 19101-7346
 14892032 E-mail/Text: JCAP_BNC_Notices@jcap.com Nov 09 2018 02:31:33 Jefferson Capital Services, LLC,
 P.O. Box 7999, Saint Cloud, MN 56302-7999
 14892033 +E-mail/Text: BKRMailOPS@weltman.com Nov 09 2018 02:30:44 Kay Jewelers, 375 Ghent Road,
 Akron, OH 44333-4600
 14892040 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Nov 09 2018 02:59:58
 Portfolio Recovery Associates, LLC, P.O. Box 41067, Norfolk, VA 23541-1067
 14892657 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Nov 09 2018 02:38:27
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 14892036 E-mail/Text: RVSVCBICNOTICE1@state.pa.us Nov 09 2018 02:31:07
 Pennsylvania Department of Revenue, Bankruptcy Division PO Box 280946,
 Harrisburg, PA 17128-0946
 14928730 +E-mail/Text: bncmail@w-legal.com Nov 09 2018 02:31:29 SYNCHRONY BANK,
 c/o Weinstein & Riley, PS, 2001 Western Ave., Ste 400, Seattle, WA 98121-3132
 14892042 +E-mail/PDF: gecsed@recoverycorp.com Nov 09 2018 02:37:15 Synch/Care Credit,
 P.O. Box 965036, Orlando, FL 32896-5036
 14892044 +E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Nov 09 2018 02:38:46 Verizon,
 by American Infomsource LP as agent, 4515 N. Santa Fe Avenue, Oklahoma City, OK 73118-7901
 14922870 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Nov 09 2018 02:38:46 Verizon,
 by American InfoSource as agent, PO Box 248838, Oklahoma City, OK 73124-8838
 14892046 E-mail/Text: peritus@ebn.phinsolutions.com Nov 09 2018 02:32:13 Westlake Financial Services,
 c/o Peritus Portfolio, P.O. Box 141419, Irving, TX 75014-1419

TOTAL: 14

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Bayview Loan Servicing, LLC, a Delaware Limited Li
 cr* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 14929251* +Bayview Loan Servicing, LLC, 4425 Ponce de Leon Blvd, 5th Floor,
 Coral Gables, FL 33146-1837

TOTALS: 1, * 2, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

District/off: 0315-2

User: jhel
Form ID: 149

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Total Noticed: 36

Date Rcvd: Nov 08, 2018

***** BYPASSED RECIPIENTS (continued) *****

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Nov 10, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 8, 2018 at the address(es) listed below:

Anthony T. Kovalchick on behalf of Creditor Dep't of Revenue Office of Attorney General
akovalchick@attorneygeneral.gov
James Warmbrodt on behalf of Creditor Bayview Loan Servicing, LLC, a Delaware Limited
Liability Company bkgroup@kmlawgroup.com
Keri P. Ebeck on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com,
DMcKay@bernsteinlaw.com
Michael S. Geisler on behalf of Debtor Warren Jones m.s.geisler@att.net,
msgeis@yahoo.com;michaelgeisler13@gmail.com
Michael S. Geisler on behalf of Joint Debtor Wendy Jones m.s.geisler@att.net,
msgeis@yahoo.com;michaelgeisler13@gmail.com
Office of the United States Trustee ustregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com
S. James Wallace on behalf of Creditor Peoples Natural Gas Company LLC sjw@sjwpgh.com,
srk@sjwpgh.com;PNGbankruptcy@peoples-gas.com

TOTAL: 8